

SERIAL NO.: 10/820,689

ART UNIT: 3727

REMARKS:

Claims 1-18 are pending.

The Examiner rejected claims 1-4 and 10-13 under both 35 U.S.C. 101 and 35 U.S.C. 102(b) in view of Tiscione et al. (U.S. Patent No. 6,412,627). In response, the applicant has amended both independent claims (1 and 10) to clarify the differences between the present invention and that of the cited reference. Specifically, both independent claims have been amended to recite, in relevant part, an ejection tab assembly that includes:

...a U-shaped member having an end ~~aligned with two of~~ adapted to engage and dispense at least two cards housed in said parallel slots in the direction of said opening, and a button connected to said U-shaped member through one of said plurality of parallel cut-out sections.

The basis for this amendment is found on page 13, lines 18-26, page 14, lines 1-9, and in FIGS. 8 and 9 of the specification. As nothing in the Tiscione et al. patent describes or suggests a U-shaped member having an end structure that is adapted to engage and dispense at least two cards housed in the parallel slots of the claimed holder, all independent claims (and those depending therefrom) are neither anticipated by, nor an attempt to "double patent" over, the invention disclosed in Tiscione et al.

The Examiner rejected claims 7 and 16 under 35 U.S.C. 103(a) as being unpatentable over Tiscione et al. in view of Holdener (U.S. Patent No. 4,697,698). The Examiner contends that it would have been obvious to one of ordinary skill in the art "to provide more than one indicia to provide the desired information needed and/or for aesthetic purpose." However, the applicant respectfully submits that neither Tiscione et al. nor Holdener, alone or in combination, teaches or suggests a card holder that dispenses at least two cards using one ejection tab assembly that has been structurally adapted to provide said function. Hence, there would be no motivation for

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either Tiscione et al. or Holdener to have "two indicia for identifying the contents of two of said parallel slots aligned with said ejection tab assembly" as claimed because their inventions only dispense a single card from a given ejection assembly. Moreover, because each base claim upon which claims 7 and 16 depends has been amended and is distinguishable from Tiscione et al. as discussed above, claims 7 and 16 also would be distinguished from the cited art.

The Examiner also rejected claims 8, 9, 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over Tiscione et al. in view of Oyamada (U.S. Patent No. 4,881,150). The Examiner contends that providing a clip to the present invention would be obvious. However, neither Tiscione et al. nor Oyamada, alone or in combination, teaches or suggests all of the limitations in addition to the clip found in present claims, as amended and noted above. Accordingly, claims 8, 9, 17 and 18 cannot be rendered obvious by the cited art.

The Examiner also rejected claims 5, 6, 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over Tiscione et al. in view of Vetter (U.S. Patent No. 6,648,038). The applicant respectfully submits that there is nothing in the combination of these references that discloses or suggests a ejection assembly structure wherein a "notch is disposed along said end of the U-shaped member, thereby forming two card engaging surfaces," as recited in claims 5 and 14.

Furthermore, there is nothing in the combination of these references that discloses or suggests an ejection assembly structure "wherein said notch is disposed longitudinally across the end of the U-shaped member such that slidable engagement of said member to a first point ejects a first card from said case while further slidable engagement of said member ejects a second card from said case," as recited in claims 6 and 15. Accordingly, these claims cannot be rendered obvious by the cited art.

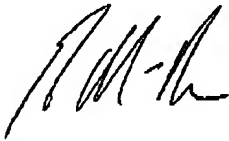
The applicant respectfully submits that the amended claims recite a new and non-obvious invention. Hence, reconsideration by the Examiner is requested.

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No fee is believed to be required. However, should there be any unforeseen costs associated with this Response, please charge them to our Deposit Account No. 17-0055.

Respectfully submitted,



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